

House Amendment 2106

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1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 87, by inserting after line 35 the
1 4 following:
1 5 <Sec. _____. Section 137C.28, Code 2007, is amended
1 6 to read as follows:
1 7 137C.28 PENALTY.
1 8 1. A person who violates a provision of the Iowa
~~1 9 hotel sanitation code this chapter or rules adopted~~
1 10 pursuant to this chapter shall be guilty of a simple
1 11 misdemeanor and subject to a civil penalty of one
1 12 hundred dollars for each violation. Each day upon
1 13 which a violation occurs constitutes a separate
1 14 violation.
1 15 2. A person who is issued a violation as a result
1 16 of an inspection, a reinspection or a complaint
1 17 inspection shall be subject to a civil penalty ranging
1 18 from fifty dollars to one thousand dollars for each
1 19 violation based on criteria established by rule of the
1 20 department.
1 21 3. A penalty may be issued by either the
1 22 department or by a municipal corporation under
1 23 agreement with the department pursuant to section
1 24 137C.6.
1 25 4. Penalties collected by the department shall be
1 26 deposited in the general fund of the state. Penalties
1 27 collected by a municipal corporation shall be retained
1 28 by the municipal corporation for use in regulation of
1 29 entities licensed under this chapter.>
1 30 #2. Page 88, by inserting after line 10 the
1 31 following:
1 32 <Sec. _____. Section 137D.3, Code 2007, is amended
1 33 to read as follows:
1 34 137D.3 PENALTY.
1 35 1. A person who violates a provision of this
1 36 chapter, including a standard adopted by departmental
~~1 37 rule, or rules adopted pursuant to this chapter~~
1 38 relating to home food establishments or prepared foods
1 39 created in a home food establishment, is guilty of a
1 40 simple misdemeanor and subject to a civil penalty of
1 41 one hundred dollars for each violation. Each day that
1 42 the violation continues constitutes a separate
1 43 offense.
1 44 2. A person who is issued a violation as a result
1 45 of an inspection, a reinspection, or a complaint
1 46 inspection shall be subject to a civil penalty ranging
1 47 from fifty dollars to five hundred dollars for each
1 48 violation based on criteria established by rule of the
1 49 department.
1 50 3. A penalty may be issued by either the
2 1 department or by a municipal corporation under
2 2 agreement with the department.
2 3 4. Penalties collected by the department shall be
2 4 deposited in the general fund of the state. Penalties
2 5 collected by a municipal corporation shall be retained
2 6 by the municipal corporation for use in regulation of
2 7 entities licensed under this chapter.>
2 8 #3. Page 94, by striking lines 3 through 15 and
2 9 inserting the following:
2 10 ~~<A food establishment covered by subsections 4 and~~
~~2 11 5 shall be assessed license fees not to exceed~~
~~2 12 seventy-five percent of the total fees applicable~~
~~2 13 under both subsections.>~~
2 14 #4. Page 95, by inserting after line 14 the
2 15 following:
2 16 <Sec. _____. Section 137F.17, Code 2007, is amended
2 17 to read as follows:
2 18 137F.17 PENALTY.
2 19 1. A person who violates this chapter or rules
2 20 adopted pursuant to this chapter shall be subject to a
2 21 civil penalty of one hundred dollars for each
2 22 violation. Each day upon which a violation occurs
2 23 constitutes a separate violation.
2 24 2. A person who is issued a violation as a result

2 25 of an inspection, a reinspection, or a complaint
2 26 inspection that is considered a critical or swing
2 27 violation shall be subject to a civil penalty ranging
2 28 between fifty dollars and one thousand dollars for
2 29 each violation based on criteria established by rule
2 30 of the department.
2 31 3. A penalty may be issued by either the
2 32 department or by a municipal corporation under
2 33 agreement with the department pursuant to section
2 34 137F.3.
2 35 4. Penalties collected by the department shall be
2 36 deposited in the general fund of the state. Penalties
2 37 collected by a municipal corporation shall be retained
2 38 by the municipal corporation for use in regulation of
2 39 entities licensed under this chapter.>
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